IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No.3

Criminal Revision No. 174/2003
(Old No. 1090/1983)

Tarsem Singh ..Revisionist.

Vs.

Sewa Singh and another ..Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri Lalit Verma learned A.G.A.and perused the record.

2- This is a revision under sections 297/401 of the Code of Criminal Procedure against the judgment dated 30-5-1983 passed by the then IInd Additional Munsif Magistrate Kashipur, whereby accused- respondent Sewa; Singh was acquitted of the charges under sections 326, 323, 504 I.P.C.

3- Perusal of the impugned judgment reveal that the occurrence giving rise to the criminal case took placed on 19.12.1982 and the charge sheet having been submitted the criminal case was registered in the year 1983 but despite number of adjournments having been given to the prosecution to produce the evidence they failed to do so and ultimately the learned Magistrate has had no alternative but to close the evidence and pass the order of acquittal. Considering the latches on the part of the prosecution the impugned judgment can not be said to suffer from vice of impropriety or any illegality and , therefore, the revision is devoid of merit and is liable to be dismissed.

4- The revision is dismissed.

(Irshad Hussain, J.)

Dated: 19-11-2003

ISB